

**REMARKS**

In the Office Action, claims 1-3, 5-10, 14-16, 37-39 and 41-44 were rejected, claims 4, 11-13, 17 and 40 were objected to, and claim 18 was allowed. All of the pending claims are believed to be allowable over the prior art references cited by the Examiner. Reconsideration and allowance of all pending claims are respectfully requested in view of the points set forth below.

**Rejections Under 35 U.S.C. § 103**

In the Office Action, claims 1-3, 5-10, 14-16, 37-39 and 41-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Burroughes et al., U.S. Patent No. 6,707,248 (hereinafter “Burroughes”) in view of Lu et al., U.S. Patent Application No. 2004/0245917 (hereinafter “Lu”).

In response to the Office Action, Applicants respectfully assert that the pending claims are patentable over the cited references. By this response, Applicants submit the enclosed Declaration of inventor Jie Liu and the associated Exhibit A pursuant to 37 C.F.R. §1.131 as evidence of invention and actual reduction to practice prior to the effective filing date of the Lu reference. In view of this evidence and the following remarks, Applicants respectfully submit that the pending claims are in condition for allowance.

In particular, in view of the earlier date of invention of the subject matter disclosed and claimed in the present application, Applicants elect to remove the Lu reference pursuant to 37 C.F.R. § 1.131. Under Rule 131, Applicants may overcome a prior art rejection by filing an appropriate Declaration that establishes invention of the claimed subject matter by Applicants prior to the effective date of the reference relied upon in the rejection. Earlier invention may be shown by proving constructive reduction to practice after the effective date of the reference accompanied by diligence from prior to

the effective date to the filing of the application or, as in the present case by actual reduction to practice prior to that date.

On the face of the Lu document, the application effective date is the date on which the application was filed in U.S., that is, April 23, 2003. Applicants submit the enclosed Rule 131 Declaration of inventor Jie Liu pursuant to Rule 131, an inventor of record, to demonstrate that the invention disclosed and claimed in the present application was conceived and actually reduced to practice prior to the effective date of the Lu reference.

Specifically, according to paragraph 4 of the Declaration, the inventor Jie Liu declares that the subject matter disclosed and claimed in the above-referenced application was conceived prior to April 23, 2003. In support of paragraph 4, Exhibit A is a redacted "Disclosure Letter Outline" referring specifically to the invention disclosed and claimed in the referenced application. Therefore, Applicants submit that Exhibit A in its entirety, along with the corresponding Rule 131 Declaration, are sufficient to demonstrate conception of the claimed subject matter prior to April 23, 2003, the effective date of the Lu reference.

As indicated by paragraphs 6, 7 and 8 of the attached Rule 131 Declaration, the inventor Jie Liu and other co-inventors and those associated with preparation of filing the present application were reasonably diligent from the time the Disclosure Letter Outline was prepared to the date of filing of the present application.

In view of the evidence discussed above, Applicants respectfully request that the Examiner remove Lu from consideration and allow all pending claims.

Because the Lu reference fails to qualify as prior art under 35 U.S.C. § 102(e) as stated above, a *prima facie* case of obviousness under 35 U.S.C. §103(a) cannot be sustained.

**Conclusion**

Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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